

Commonwealth of Massachusetts

THE TRIAL COURT

SUMMARY PROCESS ANSWER

.....
(trial date)

_____, ss:

HOUSING COURT DEPARTMENT
_____ DIVISION

SUMMARY PROCESS ACTION

DOCKET NO. / / / - / / / / / /

.....
Plaintiff(s) - Landlord(s)

versus

.....
Defendant(s) - Tenant(s)

INSTRUCTIONS TO DEFENDANT (TENANT) - PLEASE READ CAREFULLY:

Listed below for you to check and fill in as applicable are possible defenses you might have to the Plaintiff's (Landlord's) Complaint which has been served on you. (A defense is a legal reason for not evicting you.) If one or more of these defenses apply to your case, check the appropriate box(es). If you check a defense which has blank lines after it, you must write in facts in support of that defense. Use additional pages if necessary.

In addition, space is provided for you to counterclaim against your landlord if you wish to do so. (A counterclaim means asking that the amount of rent you owe be reduced or that your landlord pay you money because he or she has violated your rights.) If you wish to counterclaim, fill in the appropriate blank lines. Use additional pages if necessary, and please be as specific as possible.

You should be aware that there may be possible defenses and counterclaim which are not listed below, and that some are rather technical in nature. You are permitted to fill out and file this answer, and to appear in court without a lawyer, but if you can wish to, you should obtain the services of a lawyer for advice and/or representation in court.

YOU MUST FILE THIS ANSWER OF ANOTHER LEGALLY SUFFICIENT ANSWER, WITH THE CLERK AND SEND A COPY TO THE PLAINTIFF OR PLAINTIFFS ATTORNEY TO BE RECEIVED NO LATER THAN THE **MONDAY BEFORE THE DATE SCHEDULED FOR TRIAL, AS INDICATED ON THE SUMMONS, OR YOU MAY LOSE BY DEFAULT. YOU MUST ALSO BE IN COURT FOR TRIAL OR YOU WILL LOSE BY DEFAULT.**

ANSWER TO COMPLAINT

(Please type or print)

☐ I specifically deny the following facts stated in the Complaint:

.....

.....

☐ I am legally withholding my rent because:

.....

.....

☐ The landlord is trying to evict me for my exercising my rights as follows:

.....

☐ I have a written lease which has not expired and the landlord has not given me notice that he/she is terminating my lease.

☐ I have not received a notice from the landlord telling me to leave the premises, and I do not have a written lease.

☐ If I have ever owed the landlord any rent, I have paid it all or have paid it within the time required by law.

☐ I was not properly notified of this court action:

.....

☐ The landlord's Complaint fails to state facts which would allow him/her to evict me:

.....

☐ There is another person against whom this action should be brought:

.....

☐ I have not been properly named in the Complaint:

☐ There is another Summary Process action pending against me.

☐ I am a tenant in a public housing program and my landlord did not get the required permission before beginning this eviction case.

☐ I have other defenses as follows:

.....

IMPORTANT: In some cases, the Court has the power to give you time to find a new place to live even if you do not have any of the listed defenses. If you wish the Court to determine whether you are entitled to it, please check below:

☐ I wish time to move because I cannot find another residence.

COUNTERCLAIM

If you believe that you are entitled to a return of part of your rent payment or other damages from the landlord, complete the statement below:

I here by counterclaim in the amount of \$ I feel that I am entitled to this amount for the following reasons:

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.....

.....
(Name of Defendant(s) or Attorney)

.....
(Signature of Defendant(s) or Attorney)

.....
(Address)

.....